

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RICHARD MARCUS,

Plaintiff,

v.

No. 10-cv-01716 (ADS)(AKT)

OLGA DUFOUR, LAWRENCE HAAKER, DAVID
HAAKER, SUZANNE PERLOTH, and LISA
GOLDBERG,

Defendants.
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STIPULATION

WHEREAS, Defendants Lawrence Haaker, David Haaker, Suzanne Perloth and Lisa Goldberg (the "Haaker Defendants") filed their initial Answer and Cross Claim on October 27, 2010;

WHEREAS, Defendant Olga Dufour timely responded by filing a Motion for Judgment on the Pleadings, or in the Alternative, to Dismiss Cross Claim on November 18, 2010;

WHEREAS, the Haaker Defendants submitted a Motion for Leave to Amend their Answer and Cross Claim on December 9, 2010;

WHEREAS, briefing is not yet complete on Defendant Dufour's Motion for Judgment on the Pleadings and the Haaker Defendants' Motion for Leave to Amend is currently *sub judice*;

WHEREAS, the Haaker Defendants wish to file an Amended Answer With Amended Cross Claim in the form previously submitted in this action via the Court's Electronic Case Filing system on February 15, 2011;

WHEREAS, the time for the Haaker Defendants to amend the Answer and Cross Claim as a matter of course has expired and Rule 15(a)(2) of the Federal Rules of Civil Procedure provides that amendment may only be made with "the opposing party's written consent or the court's leave";

WHEREAS, the Haaker Defendants have not previously obtained the opposing party's written consent or the Court's leave as required by Rule 15(a)(2);

WHEREAS, Defendant Olga Dufour and Plaintiff Richard Marcus consent to the filing of the Haaker Defendants' Amended Answer with Amended Cross Claim in the form previously submitted in this action on February 15, 2011 via the Court's Electronic Case Filing system;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel that:

1. The undersigned counsel for Defendant Olga Dufour and Plaintiff Richard Marcus hereby consent to the filing of the Haaker Defendants' Amended Answer with Amended Cross Claim in the form previously submitted on February 15, 2011 via the Court's Electronic Case Filing system; and
2. The undersigned counsel agree that to the extent that the Haaker Defendants' Amended Answer With Amended Cross Claim requires an answer or other

response, such an answer or response shall be served and filed on or before March 16, 2011 or within 10 days of entry of this stipulation so-ordered by the Court, whichever is later.

Dated: March 1, 2011
New York, New York

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*Attorneys for Defendants Lawrence Haaker,
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Dated: March 1, 2011
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Attorneys for Defendant Olga Dufour.

Dated: March 1, 2011
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Attorneys for Plaintiff Richard Marcus.

SO ORDERED:

U.S.D.J.